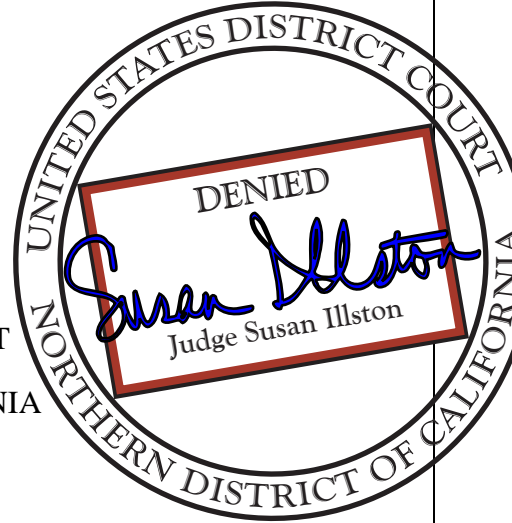1 Henry C. Bunsow (SBN 60707)
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7 Attorneys for Plaintiff
   TOSHIBA AMERICA MEDICAL
8 SYSTEMS, INC.

9   UNITED STATES DISTRICT COURT

10   NORTHERN DISTRICT OF CALIFORNIA

11   SAN FRANCISCO DIVISION

12

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14 TOSHIBA AMERICA MEDICAL SYSTEMS,   No. C 06-04393 SI
    INC., a California corporation,
15
                                            STIPULATION AND [PROPOSED]
16   Plaintiff,   **ORDER REGARDING**
                                            CONTINUANCE OF CASE
17   v.   **MANAGEMENT CONFERENCE**

18 VOLUMETRICS MEDICAL IMAGING, LLC,   Date: December 14, 2007
                                            Time: 2:30 p.m.
19   Defendant.   Courtroom: 10
                                            Judge: Hon. Susan Illston
20

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22   1.   The parties agree to continue the Case Management Conference in the above-entitled

23 action until resolution of Toshiba America Medical Systems, Inc.'s ("TAMS") pending motion to

24 dismiss for lack of standing of a related patent case involving both TAMS and VMI before the District

25 Court in the Middle District of North Carolina, Greensboro Division, Civil Action No: 1:05CV00955.

26 A hearing on that motion before Judge Tilley in Greensboro, North Carolina occurred on October 23,

27 2007. Judge Tilley decided at the hearing that there are matters of fact that needed to be resolved.

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HOWREY LLP

                                              1
                                                         STIPULATION AND [PROPOSED] ORDER RE
                                                     CONTINUANCE OF CASE MANAGEMENT STATEMENT
                                                                        CASE NO. C 06-04393

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DENIED

Judge Susan Illston

1   2.   Judge Tilley set the matter for a jury trial in Greensboro, North Carolina on February

2 25, 2008 for the purpose of resolving limited factual matters relating to resolution of the motion to

3 dismiss.

4   3.   The parties agree to promptly notify the Court upon entry of an order granting or

5 denying TAMS's pending motion to dismiss, at which time, the parties will respectfully request a

6 further Case Management Conference to be held 45 days after entry of said order.

7 DATED: December 7, 2007   Respectfully submitted,

8   HOWREY LLP

9

10   By: /s/Matthew F. Greinert

                                Matthew F. Greinert

11   Attorneys for Plaintiff

                      TOSHIBA AMERICA MEDICAL SYSTEMS, INC.

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13 DATED: December 7, 2007   BERGESON LLP

14

15   By: /s/Donald P. Gagliardi

                                  Donald P.Gagliardi

16   Bergeson, LLP

                      303 Almaden Blvd.

17   Suite 500

                      San Jose, CA 95110-2712

18   Appearing Specially for Defendant

                      VOLUMETRICS MEDICAL IMAGING, LLC

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22   **IT IS SO ORDERED.**

    Dated: _____, 2007

23   HON. SUSAN ILLSTON

                      JUDGE OF THE UNITED STATES DISTRICT

24   COURT

25

26

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HOWREY LLP

2   STIPULATION AND [PROPOSED] ORDER RE
CONTINUANCE OF CASE MANAGEMENT STATEMENT
CASE NO. C 06-04393

DM_US:20898233_1

CERTIFICATION BY MATTHEW F. GREINERT PURSUANT TO GENERAL RULE NO. 45, SECTION X. RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES

1.   I am an attorney licensed to practice law in the state of California, and am an Associate in the law firm of Howrey LLP, counsel for plaintiffs Toshiba America Medical Systems, Inc. The statements herein are made on my personal knowledge, and if called as a witness I could and would testify thereto.

2.   The above e-filed document contains multiple signatures. I declare that concurrence has been obtained from each of the other signatories to file this jointly prepared document with the Court. Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent production for the Court if so ordered, or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct on December 7, 2007.

                                        /s/Matthew F. Greinert
                                        Matthew F. Greinert

HOWREY LLP

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STIPULATION AND [PROPOSED] ORDER RE
CONTINUANCE OF CASE MANAGEMENT STATEMENT
CASE NO. C 06-04393

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